

1 [Identification of All Parties and
2 All Counsel Appear on Signature Page]
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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN FRANCISCO DIVISION**

10)
11) Civil Action No. 3:08-CV-00782
12) Plaintiff,
13)) **STIPULATION AND [PROPOSED] ORDER**
14)) **FOR CONTINUING MEDIATION DATE**
15)
16)
17) Defendants.
18)
19)

20 **I. INTRODUCTION**

21 This Stipulation and Proposed Order for Continuing Mediation Date is submitted jointly by
22 Plaintiff CHEVRON TCI, INC. ("CHEVRON") and Defendants CARBONE PROPERTIES
23 MANAGER, LLC ("CPM"), ROSS P. CARBONE ("ROSS CARBONE"), and R. P. CARBONE
24 COMPANY ("RPCC") (collectively, "CARBONE").

25 On May 9, 2008, this Court referred the case to the ADR Unit for Mediation to be
26 completed within 90 days, ordering an Updated Joint Case Management Statement due by August
27 1, 2008 and setting a further Case Management Conference for August 8, 2008.

28 The parties have been engaged in settlement discussions and have agreed that based on the
current activity of the case, completing mediation before August 7, 2008 would be premature.

1 Accordingly, to allow sufficient time for the parties to engage in settlement discussions and better
2 determine whether settlement will be possible in the case, the parties respectfully request that the
3 Court move the deadline to complete mediation to September 5, 2008, move the due date for the
4 Updated Joint Case Management Statement to August 29, 2008 and resetting a further Case
5 Management Conference for September 5, 2008. This additional time will not impact any of the
6 Court's other deadlines, as the trial is not set to commence until July 27, 2009.

7 Accordingly, the parties have entered into the following stipulation, and respectfully request
8 that the Court execute this Proposed Order based on that stipulation.

9 **II. STIPULATION**

10 The parties, by and through their attorneys of record herein, submit their Stipulation and
11 Proposed Order Continuing the mediation date as follows:

12 1. The deadline to participate in mediation may be continued from 8/7/08 to 9/5/08;
13 2. The due date for the Updated Joint Case Management Statement may be continued
from 8/1/08 to 8/29/08; and
14 3. The date for the further Case Management Conference may be continued from
15 8/8/08 to 9/5/08.

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17 **IT IS SO STIPULATED.**

18 Endorsement of this agreement may be by counterpart signatures.

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20 Dated: July 14, 2008

Respectfully submitted,

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1 Dated: July , 2008

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ORDER

Based on the stipulation of the parties and good cause appearing, the Court hereby vacates the previously scheduled mediation date and amends the Court's Scheduling Order as follows:

1. The deadline to participate in mediation may be continued from 8/7/08 to 9/5/08;
2. The due date for the Updated Joint Case Management Statement may be continued from 8/1/08 to 8/29/08; and
3. The date for the further Case Management Conference may be continued from 8/8/08 to 9/5/08.

The Court's other deadlines remain unchanged.

DATED: 7/14/8

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unchanged.

Judge Joseph C. Spero

Joseph C. Spero